

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KRISTEN PETRICK, ET AL.,
Plaintiffs,
v.
STARS BAY AREA, INC.,
Defendant.

Case No. 19-cv-03105-VKD

**ORDER RE DISMISSAL OF ACTION
AND REQUESTING STATEMENTS
FROM THE UNITED STATES AND
STATE OF CALIFORNIA**

Plaintiff-relator Kristen Petrick filed this qui tam action on June 4, 2019. Dkt. No. 1. The United States and State of California declined to intervene pursuant to the False Claims Act, 31 § U.S.C. 3703(b)(4)(B), and the California False Claims Act, Cal. Gov't Code § 12652(c)(6)(B). Dkt. No. 9. Ms. Petrick filed her second amended complaint on March 19, 2021. Dkt. No. 35. Following defendant Stars Bay Area, Inc.'s ("Stars") motion to dismiss that complaint (Dkt. No. 36), Ms. Petrick attempted to voluntarily dismiss this action. Dkt. No. 37.

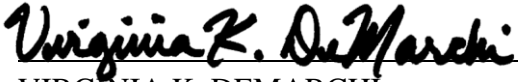
As noted in the Court's April 14, 2020 order to unseal and serve the complaint, the Court must provide the United States and State of California with an opportunity to be heard before ruling on or granting approval of Ms. Petrick's dismissal. Dkt. No. 10 ¶ 6; *see also* 31 U.S.C. § 3703(b)(1) ("A person may bring a civil action for a violation of section 3729 for the person and for the United States Government. . . . The action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting."); Cal. Gov't Code § 12652(c)(1) ("A person may bring a civil action for a violation of this article for the person and either for the State of California in the name of the state, if any state funds are involved, or for a political subdivision in the name of the political subdivision, if political

subdivision funds are exclusively involved. . . . Once filed, the action may be dismissed only with the written consent of the court and the Attorney General or prosecuting authority of a political subdivision, or both, as appropriate under the allegations of the civil action, taking into account the best interests of the parties involved and the public purposes behind this act.”).

Accordingly, the United States and the State of California shall submit statements regarding any objections they may have to dismissal of this action and the reasons therefor by **May 3, 2021**.

IT IS SO ORDERED.

Dated: April 19, 2021


VIRGINIA K. DEMARCHI
United States Magistrate Judge

United States District Court
Northern District of California